

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

CRIMINAL NO: 09-00650

VERSUS

JUDGE DONALD E. WALTER

HAROLD TURNER

MAGISTRATE JUDGE AZRACK

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**ORDER**

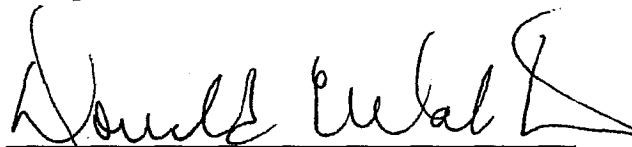
At the conclusion of the jury trial in the above captioned matter the Defendant made an oral motion for acquittal pursuant to Federal Rule of Criminal Procedure 29. The Court took the motion under advisement. Upon due consideration, Defendant's motion is hereby **DENIED**.

The evidence presented at trial is sufficient to sustain the Defendant's conviction. This Court has previously ruled that the statements posted by the Defendant are not protected by the First Amendment. [Doc. #6]. The jury has found the Defendant guilty of threatening three United States judges with the intent to impede, intimidate, or interfere with the performance of their official duties or to retaliate against them for performance of their duties.

Such threats against the judiciary are particularly troublesome. Not only are such threats a crime, but their very purpose is to intimidate a judge to apply the law in accordance with the beliefs of the individual issuing the threat, a position inimical to the rule of law. The judiciary is charged with the duty to apply the law without regard to political or private interests. To properly exercise this duty the judiciary cannot be persuaded by either fear or favor to any person, or political party. *Republican Party of Minnesota v. White*, 122 S.Ct. 2528, 2550 (2002) (Ginsburg, J., dissenting) (citations omitted). "Without this, all the reservations of particular rights or privileges would amount

to nothing.” *Id.* (citing *The Federalist No. 78*, p.466 (C. Rossieter ed, 1961)).

THUS DONE AND SIGNED, this 22nd day of September, 2010.

A handwritten signature in black ink, appearing to read "Donald E. Walter", written over a horizontal line.

DONALD E. WALTER  
UNITED STATES DISTRICT JUDGE